



City of Cleveland

Jane L. Campbell, Mayor

Department of Public Health
Division of the Environment
1925 S. Clair Avenue
Cleveland, Ohio 44114-2080
216/664-2300
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**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7002 0510 0002 2427 7843
RETURN RECEIPT REQUESTED**

October 10, 2003

William J. Hocevar, PE.
Morgan Electro Ceramics
232 Forbes Road
Bedford, Ohio 44146

**NOTICE OF VIOLATION: OPERATING WITHOUT A PERMIT TO INSTALL FOR
P001 AND P019, EXCEEDING EMISSIONS LIMITATIONS OF PTI #13-3371
AND 40 CFR 63 SUBPART T, OPERATING WITHOUT TITLE V PERMIT, FAILURE
TO SUBMIT FEE EMISSIONS REPORTS SINCE 1996
FACILITY ID: 13-18-03-1627**

Dear Mr. Hocevar:

On September 18 and October 6, 2003, the Cleveland Local Air Agency (CLAA) inspected Morgan Electro Ceramics located at 232 Forbes Road in Bedford. This letter serves as notification that you are operating sources in violation of applicable statutes, regulations, or permit conditions. Morgan Electro Ceramics was found to be not in compliance with requirements for filing an application for a Title V permit and submitting Fee Emissions Report (FER) and Emission Inventory Summary (EIS) from 2002 to present.

Morgan Electro Ceramics is in violation of the Ohio Administrative Code (OAC) Rule 3745-31-02(A)(1), 3745-77-04 (D), 3745-78-02(A), the Ohio Revised Code (ORC) sections 3704.05(A), (C), (G), ORC section 3745.11(C)(1) and PTI #13-3371 general terms and conditions.

These are the applicable sections of the Ohio Revised Code (ORC) 3704.05:

- (A) No person shall cause, permit, or allow emissions of an air contaminant in violation of any rule adopted by the director of environmental protection
- (C) No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms and conditions.
- (G) No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter.

OAC Rule 3745-31-02(A)(1) provides the following:



Except as provided in rule 3745-31-03 of the Administrative Code, no person shall cause, permit or allow the installation of a new source of air pollution without first obtaining a permit to install from the director.

In 1999, Morgan replaced P019. (VPD-24) Liberty 2002-2-SP Vapor Degreaser with a Finishing Equipment 6342 Vapor Degreaser without first obtaining a permit to install.

In 2002, Morgan replaced the Nyro Spray Dryer of P001, without first obtaining a Permit to Install (PTI). On February 25, 2002, Morgan Electro Ceramics submitted a PTI application for only part of P001. Based on the information submitted to CLAA, on April 3, 2002, CLAA sent Morgan Electro Ceramics a letter stating that P001 was de minimis. On April 8, 2003, Morgan submitted a facility-wide emissions inventory identifying P001 as non-insignificant.

In 2003, Morgan exceeded the three month rolling average emissions limitations outlined in 40 CFR 63 Subpart T and PTI #13-3371 for P019: (VPD-24) Finishing Equipment 6342 Vapor Degreaser and L001: (VPD-34) Baron Blakeslee open top vapor degreaser.

This is the applicable section of the Ohio Administrative Code (OAC) 3745-77-04 (D) requiring a Title V facility to submit a Title V permit application:

A timely application for a source applying for a Title V permit for the first time, other than a source required to file under paragraph (B) of this rule, is one that is submitted within twelve months after the source becomes subject to the Title V permit program..

Although Morgan Electro Ceramics did file a Title V Permit application, in 1996, they withdrew the application and failed to resubmit the Title V application or pay appropriate Title V fees. This is the applicable section of the OAC 3745-78-02(A) requiring the submission of FER's:

By June 15, 1994 and April fifteenth of each year thereafter, owners or operators of sources subject to the Title V permit program pursuant to rule 3745-77-02 of the Administrative Code ... must submit, in a form and manner prescribed by the director, a fee emission report that quantifies the actual emission data for particulate matter, sulfur dioxide, organic compounds, nitrogen oxides and lead (but shall not also be considered particulate matter). The owner or operator of a facility shall pay fees on the facility's actual emissions as specified in division (C) of section 3745-11 of the Revised Code.

Since Morgan Electro Ceramics has not filed a Title V Permit application, this is the applicable section of the OAC 3745-15-03 requiring the submission of an Emission Inventory Statement (EIS):

The director may require the keeping and periodic submission of records and reports, including but not limited to, information on air contaminants, emissions or fuel from any or all potential sources for purposes of maintaining an air



pollution emission inventory or any other reasonable purpose as determined by the director. Such information shall be recorded, compiled, and submitted in a manner and form prescribed by the director.

Since Morgan Electro Ceramics has not filed a Title V Permit application, this is the applicable section of the ORC 3745-11 establishing emission fees:

(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 [3704.03.6] of the Revised Code shall pay the fees set forth in division (C)(1) of this section.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead;

Morgan Electro Ceramics is in violation of PTI #13-3371 in that the general terms and conditions require Morgan Electro Ceramics to update Title V permit one year after L001: Baron Blakeslee open top vapor degreaser commenced operation. PTI #13-3371 was issued on October 7, 1998. CLAA has yet to receive a Title V application.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CLAA requests that Morgan Electro Ceramics address the above violations and submit the following information within 14 days of your receipt of this letter to the following enforcement representative:

Valencia White
Cleveland Local Air Agency
1925 St. Clair Avenue NE
Cleveland, Ohio 44114

- Ohio EPA Title V application
- Permit to install application for P001 and P019
- A complete process description of P001
- A list of all control equipment connected to P001
- The amount of raw material used in P001 for 2002
- The end product manufactured from P001
- A facility flow diagram

Violations of air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

Facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production can contact the Ohio EPA Office of Pollution



Prevention (OPP). OPP can be contacted at <http://www.epa.state.oh.us/opp> or (614) 644-3469 and there is no charge for their services.

CLAA issues this letter with Ohio EPA's concurrence and does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or USEPA for further enforcement action. Should you have any questions, please call Valencia White at (216) 664-2953. All correspondence with CLAA must include the Ohio EPA facility identification number for Morgan Electro Ceramics: 13-18-03-1627.

Sincerely,

A handwritten signature in black ink, appearing to read 'George M. Baker'.

George Baker
Chief of Enforcement, CLAA

GB/vw *AS*

cc: Michael J. Krzywicki, CLAA
Tammy Van Walsen, Ohio EPA Central Office
Lisa Holscher, USEPA Region V
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